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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/046,677	03/24/1998	KIMIKAZU FURUKAWA	614.1889	2428

21171 7590 01/21/2005

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EXAMINER	
AGDEPPA, HECTOR A	
ART UNIT	**PAPER NUMBER**
2642	

DATE MAILED: 01/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action	Application No.	Applicant(s)	
	09/046,677	FURUKAWA ET AL.	
	Examiner	Art Unit	
	Hector A. Agdeppa	2642	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 04 January 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

a) ☒ The period for reply expires 5 months from the mailing date of the final rejection.

b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.

2. ☐ The proposed amendment(s) will not be entered because:

   (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);

   (b) ☐ they raise the issue of new matter (see Note below);

   (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

   NOTE: _____.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.

4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

5. ☒ The a)☐ affidavit, b)☐ exhibit, or c)☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: *See Continuation Sheet*.

6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.

7. ☐ For purposes of Appeal, the proposed amendment(s) a)☐ will not be entered or b)☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: _____.

   Claim(s) objected to: _____.

   Claim(s) rejected: _____.

   Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a)☐ approved or b)☐ disapproved by the Examiner.

9. ☐ Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s). _____.

10. ☐ Other: _____

HECTOR A. AGDEPPA
PATENT EXAMINER

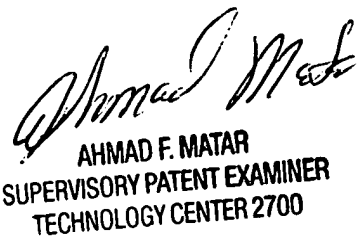
703-305-1844

Continuation of 5. does NOT place the application in condition for allowance because: As to applicant's argument regarding page 4 of the previous office action, examiner stated that the Manning et al. read on the "purpose" of the claimed invention only. And applicant admits as much because applicant describes the puspose of the present invention being the prevention of certain DTMF signals from being sent to the telephony network on page 10 of the remarks. As noted in the previous office action, the reason attenuation is used in Manning et al. is prevent DTMF signals from reaching the telephony network. Second, no one would claim that attenuating a signal is the same as open-circuiting a line, BUT, the reasons for doing both can be the same and are the same in the cited prior art and the present invention, and moreover, these are merely analogous or even equvalent means or methods of accomplishing the same end goal or result. Applicant states that the purpose of the invention is not to attenuate signals but applicant cannot refute the fact that the purpose of the claimed invention is to generally prevent DTMF signals from reaching the telephony network and that Manning et al. prevents DTMF signals from reaching the telephony network albeit using attenuation. Examiner has made this position clear in the previous office action and applicant's attempt to argue that examiner is reading limitations into the claims that are not present is incorrect. Examiner merely has argued that the purpose and end result, in the scope the claimed invention and the prior art, is the same.

As to the Amadasi reference, applicant seems to be arguing that DTMF command signals are somehow different from DTMF signals used to dial or make calls. However, this is incorrect. All DTMF signals are the same. The only difference between what applicant "calls" a DTMF command signal" is perhaps that sequence of tones, i.e., to dial a telephone number, one would send DTMF signals in the form of XXX-XXX-XXXX whereas a command signal would be in the form of #XX, but the actual signals are the same. Therefore, simply because Amadasi et al. teaches disconnecting a call relating to a long distance call is irrelevant for the purposes examiner used the reference. Appplicant seemed unable to grasp the idea that attenuating a signal was analogous to open-circuiting a line in the scope of the present invention and the prior art and so examiner used the Amadasi reference to show that it was extremely old and well known to actually open-circuit a line when it was desireable for certain DTMF signals not to be sent to the telephony network. The present invention, using signal recognition unit can distinguish between DTMF signals meant to go over the telephony network and those meant as command signals not to go over the telephony network. Amadasi et al. teaches that DTMF signals associated with long distance or taxed calls are recognized and prevented from reaching the telephony network by open-circuiting a line, as opposed to DTMF signals associated with local calls. The long distance calls and local calls can be analogized to the command signals and normal telephony signals since all are DTMF signals.

Also, examiner has never asserted that attenuation has the same meaning as open-circuiting. As discussed clearly in the previous office action and above, examiner is arguing that PURPOSE AND END RESULT of attenuation and open-circuiting in the scope of the present invention and related prior art is the same.

As to applicant's remaining arguments regarding the cited prior art, again, it was made clear in the previous office action, and those before it that the Rosen refernece for example was used only to show that appliances could be controlled using the telephone and this IDEA ONLY. The reasoning for using the Manning et al. and Amadasi et al. references are similarly explained in the previous office action and above.



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